

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO  
SAN JUAN, PUERTO RICO

United States of America,  
Respondent,

-vs-

CR. Case No. 97-00082-SEC

Deri Ventura-Garcia  
Petitioner.

AFFIDAVIT

I Deri Ventura-Garcia submit this affidavit pursuant 28 U.S.C. § 2246 in conjunction with his section 2255 motion and hereby submit under oath and penalties of perjury the following:

- 1) Out of the entire 2½ month counsel Lizarribar told me that I had no valid issues to raise on appeal regarding conviction or sentence.
- 2) I requested counsel to raise all valid issues as possible because I did not believe the proceedings were fair, with my sentence and conviction.
- 3) I did request counsel to raise my Apprendi issue regarding the drug amounts of the different drugs.
- 4) I did request that counsel specifically lodge an objection regarding the drug amount and kind the court was trying to attribute to me.

AFFIANT FURTHER SAYETH NAUGHT

DATED: 11/3/04

Respectfully submitted,

Deri Ventura Garcia  
Deri Ventura-Garcia